

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC., TEVA PHARMACEUTICALS USA,  
INC., WATSON LABORATORIES, INC., DR. REDDY'S LABORATORIES,  
INC., DR. REDDY'S LABORATORIES, LTD., and SUN  
PHARMACEUTICALS INDUSTRIES LTD.,  
Petitioners,

v.

MERCK SHARP & DOHME CORP.  
Patent Owner.

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Case IPR2020-00040<sup>1</sup>  
Patent 7,326,708

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UNOPPOSED JOINT MOTION TO WITHDRAW JOINDER AS TO  
PETITIONERS TEVA PHARMACEUTICALS USA, INC. AND WATSON  
LABORATORIES, INC.

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Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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<sup>1</sup> Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc. were joined as a party to this proceeding via Motion for Joinder in IPR2020-01045; Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. were joined as a party to this proceeding via a Motion for Joinder in IPR2020-01060; and Sun Pharmaceuticals Industries Ltd. was joined as a party to this proceeding via Motion for Joinder in IPR2020-01072.

Pursuant to the Board's December 8, 2020 Termination Order in *Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc. v. Merck Sharp & Dohme Corp.* (IPR2020-01045, Paper 25), Merck Sharp & Dohme Inc. ("Merck") and Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc. (collectively, "Teva") respectfully submit this Unopposed Joint Motion to Withdraw Joinder as to Petitioners Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc.

## **I. STATEMENT OF PRECISE RELIEF REQUESTED**

Merck and Teva respectfully request that the Board allow Teva to withdraw as Joinder Petitioner from this matter.

## **II. STATEMENT OF MATERIAL FACTS**

1. On October 30, 2019, Mylan Pharmaceuticals Inc. ("Mylan") filed a Petition for Inter Partes Review regarding U.S. Patent No. 7,326,708, owned by Merck. (IPR2020-00040, Paper 1)
2. On May 12, 2020, the Board instituted this trial based on that petition. (IPR2020-00040, Paper 21).
3. On June 10, 2020, Teva filed a Petition for Inter Partes Review (IPR2020-01045, Paper 3) that was substantively identical to the petition filed by Mylan, as well as a Motion for Joinder, seeking to be joined to the IPR filed by Mylan (IPR2020-01045, Paper 4).

4. On September 1, 2020, the Board instituted Teva’s petition and granted the motion for joinder. (IPR2020-01045, Paper 21). On that same date, the Board granted similar motions for joinder filed by Dr. Reddy’s Laboratories, Inc. and Dr. Reddy’s Laboratories, Ltd. (collective, “DRL”) and Sun Pharmaceuticals Industries Ltd. (“Sun”). (IPR2020-01045, Paper 21 at 13).

5. On November 24, 2020, Merck and Teva filed a Joint Motion to Terminate IPR2020-01045 as a result of a settlement between the parties. (IPR2020-01045, Paper 22).

6. On December 8, 2020, the Board terminated IPR2020-01045. (IPR2020-01045, Paper 25).

### **III. ARGUMENT**

Teva and Merck respectfully submit that in view of the Board’s Termination Decision in IPR2020-01045, Teva should be permitted to withdraw as a joinder petitioner from this matter. Counsel for petitioners Mylan, DRL, and Sun have indicated Mylan, DRL and Sun do not oppose this motion.

### **IV. CONCLUSION**

For the reasons stated above, Merck and Teva respectfully request that petitioners Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc. be withdrawn as Joinder Petitioners in this matter.

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Patent No. 7,326,708

Date: December 15, 2020

Respectfully submitted,

/Stanley E. Fisher/

Stanley E. Fisher (Reg. No. 55,820)  
Bruce R. Genderson (*Pro Hac Vice*)  
David M. Krinsky (Reg. No. 72,339)  
Elise M. Baumgarten (*Pro Hac Vice*)  
Alexander S. Zolan (*Pro Hac Vice*)  
Shaun P. Mahaffy (Reg. No. 75,534)  
Anthony H. Sheh (Reg. No. 70,576)  
WILLIAMS & CONNOLLY LLP  
725 Twelfth Street, N.W.  
Washington, DC 20005  
T: (202) 434-5000  
F: (202) 434-5029  
sfisher@wc.com  
bgenderson@wc.com  
dkrinsky@wc.com  
ebaumgarten@wc.com  
azolan@wc.com  
smahaffy@wc.com  
asheh@wc.com

*Counsel for Patent Owner  
Merck Sharp & Dohme Corp.*

/Keith A. Zullo/

Keith A. Zullo (Reg. No. 37,975)  
Goodwin Procter LLP  
The New York Times Building  
620 Eighth Avenue  
New York, NY 10018-1405  
Tel: 212-813--8800  
Fax: 212-355-3333  
kzullo@goodwinlaw.com

*Counsel for Petitioners Teva*

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*Pharmaceuticals USA, Inc. and  
Watson Laboratories, Inc.*

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